IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 11TH SEPTEMBER 2006 / 20TH BHADRA 1928

Bail Appl..No. 5339 of 2006

CC.374/2001 of J.M.F.C.-II,PALAKKAD

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PETITIONER/ACCUSED:

K.K. KUNHUMON, PROPRIETOR,
ANSAR WOOD INDUSTRIES, IRINGAPURAM,
THRISSUR DISTRICT.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENTS: STATE & COMPLAINANT:

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1. STATE - S.H.O. GURUVAYOOR,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. M. HYDRALI, S/O. SAIDU ROWTHER (LATE)
TIMBER BUSINESS, KALLINGAL P.O.,
THIRUVALATHUR, PALAKKAD (REP.BY POWER ATTORNEY
HOLDER V.M. MUHAMMED HARUN, S/O. MUHAMMED ISMAIL,
KARIYAMKADU, VADAKKANCHERY, ALATHUR.)

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5339/2006

DATED THIS THE 11TH DAY OF SEPTEMBER, 2006

O R D E R

The petitioner apprehends arrest in C.C.No.374/2001 on the file of the Judicial Magistrate of First Class-II, Palakkad, for the offence punishable under Section 138 of the Negotiable Instruments Act, in short 'the Act', as he is absconding, when the matter was taken up.

2. The facts reveal that the petitioner faced the trial and he was convicted. The matter was pending in appeal. However, the appellate Curt remanded the matter. During the appellate stage, the petitioner who is residing at Thrissur, did not get the communication and therefore, could not appear before the Court below. Therefore, a non bailable warrant was issued against him, but not executed. Hence, steps under Sections 82 and 83 of Cr.P.C., were initiated by the Court below. Thus, the petitioner, who is aged about 62, is before this Court,

under Section 438 Cr.P.C.

3. Considering the materials on record, I direct the petitioner to surrender before the Judicial Magistrate of First Class-II, Palakkad, on 25.9.2006 at 11.00 a.m and move an application for bail.

4. The learned Magistrate shall allow the petitioner to be on bail, imposing such conditions, as are deemed necessary, so that the petitioner would be available before the Court below, on all posting dates.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs